

REMARKS

Applicant has endeavored to correct each matter raised in the official action of September 2, 2005. The following remarks will address those matters in the same order that they are presented in the official action. Favorable reconsideration and allowance of this application is respectfully requested.

1. Objections to the Drawings

The Examiner objected to the drawings received on June 24, 2005, because they did not include some of the reference numerals stated in the specification, and because they included additional reference numerals that were not listed in the specification. The Examiner also repeated his objection to the *original* drawings for not having brackets that showed the relationship between various parts, for using the same reference numerals to indicate different parts, and for failing to have a reference numeral or letter pointing out the claimed “width” of the spacers as recited in claims 13 and 21.

Applicant has submitted replacement drawings, which as explained above, has addressed every matter noted by the examiner. All reference numerals listed in the specification now properly appear in the drawings, and all reference numerals appearing in the drawings are mentioned in the specification. No reference numeral is used twice for different parts. The replacement drawings also include brackets to show the relationship between various parts. No new matter is added by the replacement

drawings. Reconsideration and acceptance of the replacement drawing including Figs. 1-5 in response the current action is respectfully requested.

Assuming that the enclosed replacement drawings are acceptable, applicant is proceeding with preparation of formal drawings to address the matters raised in the notice of draftsman's patent drawing review (Form PTO-948), which will be submitted shortly.

2. Objections to the Specification

As mentioned in connection with correction to the drawings, applicant has also amended the specification to make sure the any reference numeral appearing in the drawings is mentioned in the specification.

In addition, the specification has been amended to provide antecedent basis for the "selected width" of the spacers recited in claims 13 and 21.

3. Rejections under 35 U.S.C. §112

Each matter of indefiniteness cited by the examiner has been corrected.

Specifically, claim 13 has been amended to provide proper antecedent basis for "the handlebar stem," and the indefinite term "securable" has been amended to positively recite "secured."

Claim 21 has been amended to clarify that the width of the first spacer when it is in the extended position is greater than the width of the first spacer when it is the collapsed position.

Claim 22 has been amended to replace the indefinite term “step-like configuration” with “step configuration.”

4. Rejection of Claims 13-16 under 35 U.S.C. §103(a)

The examiner allowed claims 1-4 and 7-11, but rejected claims 13-16 under 35 U.S.C. §103(a) as being unpatentable over Chi (DE 199 40 969 A1). In doing so, however, the examiner graciously noted that claims 1-4 and 7-11 were patentable since Chi did not teach or suggest a handlebar height adjusting assembly that included a plurality of locking members disposed on a sloped surface (See 9/2/05 Office Action at p. 8). Claim 13 has therefore been amended to recite that, “each of the number of tabs include[es] a plurality of locking members positioned *on a sloped surface* of the tab.” (Emphasis added.) Claim 13, as well as claims 14-16 which depend from claim 13, is now believed to be patentable over Chi.

The examiner also said that claims 21 and 22 would be allowed if amended to overcome the matters of indefiniteness under Section 112, which the applicant has done as noted above.

Accordingly, claims 1-4, 7-11, 13-16 and 21-24, as amended, are believed to be patentable over the prior art, are in proper form, and otherwise comply with all requirements under U.S.C. §§102, 103(a) and 112.

Serial No. 10/615,071 – Rettig
Art Unit: 3682 – Attorney Docket 52.061
Response to Office Action dated September 2, 2005
Page 16 of 16

PETITION FOR ONE-MONTH EXTENSION OF TIME TO RESPOND

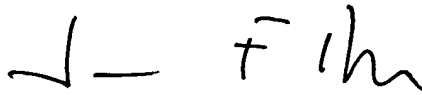
Applicant respectfully requests a one-month extension of time to respond to the official action of September 2, 2005. A check in the amount of \$120 is submitted herewith for the extension fee for a large entity. Authorization is given to charge any additional fees or credit any overpayment in connection with this or any future communication to Deposit Account No. 50-1170.

CONCLUSION

For the forgoing reasons, applicant kindly requests consideration and allowance of the application as amended. A Notice of Allowance is therefore respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



James F. Boyle
Registration No. 33,653

Date: December 13, 2005

BOYLE, FREDRICKSON, NEWHOLM,
STEIN & GRATZ S.C.
250 Plaza, Suite 1030
250 East Wisconsin Avenue
Milwaukee, WI 53202
Telephone: (414) 225-9755
Facsimile: (414) 225-9753

In the Drawings:

The Examiner objected to the drawings received on June 24, 2005, because they did not include some of the reference numerals stated in the specification, such as 74 and 80.

The drawings also included additional reference numerals that were not listed in the specification. The Examiner had also repeated his objection to the *original* drawings for not having brackets that showed the relationship between various parts. The original drawings also used the same reference numerals to indicate different parts, and certain recited in the claims were not properly designated, specifically the claimed “width” of the spacers recited in claims 13 and 21.

Applicant submits herewith replacement drawings that include Figs. 1-5. Figs. 1-5 are amended to add reference numerals 74 and 80. Numerals 62' and 70''' and letter (w) were also added, and in Fig. 3 numeral 68 was changed to 68''. Applicant has double-checked the drawings and specification, and believes that all reference numerals listed in the specification now properly appear in the drawings, and all reference numerals appearing in the drawings are mentioned in the specification. No reference numeral is used twice for different parts. The replacement drawings also include brackets to show the relationship between various parts, namely, the assembly 54 in Figs. 1, 2 and 4, and spacers 56 and 58 in Figs. 4-5. No new matter is added by the replacement drawings.

Reconsideration and acceptance of the replacement drawings including Figs. 1-5 is respectfully requested.

Attachment: Replacement sheets (3) including Figs. 1-5